

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RONALD JOHNSON,)
)
Petitioner,)
)
v.) No. 4:19 CV 3215 CDP
)
ANNE L. PRECYTHE,)
)
Respondent.)

MEMORANDUM AND ORDER

In a Memorandum and Order and separate Judgment entered February 21, 2023, I denied petitioner Ronald Johnson’s petition for writ of habeas corpus under 28 U.S.C. § 2254 and denied a certificate of appealability because he had not made a substantial showing of a violation of a constitutional right. (ECF 20, 21.)

Johnson now moves to “rescind” the Memorandum and Order and set aside the Judgment, arguing that the order and judgment were prematurely entered since there was no scheduling order in this action that permitted him to file a traverse to the State’s response to his petition. This contention is without merit. A Case Management Order entered April 3, 2020, explicitly permitted Johnson to “file a reply to Respondent’s answer to the petition” within 60 days of the answer being

filed. (ECF 5.)¹

I will deny Johnson's motion.

Accordingly,

IT IS HEREBY ORDERED that petitioner Ronald Johnson's Motion to Rescind Premature Memorandum and Order and to Set Aside Premature Judgment [22] is **DENIED**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 27th day of March, 2023.

¹ The docket sheet shows that the CMO as well as several other orders were mailed to Johnson at his listed address, and none was returned to the Court as not delivered.